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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,786	10/05/2004	Per HENRIKSON	7589.204.PCUS00	5785
28694	7590	11/29/2004	EXAMINER	
TRACY W. DRUCE, ESQ. NOVAK DRUCE & QUIGG LLP 1615 L STREET NW SUITE 850 WASHINGTON, DC 20036			EDMONDSON, LYNNE RENEE	
		ART UNIT		PAPER NUMBER
		1725		
DATE MAILED: 11/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/711,786	HENRIKSON, PER
	Examiner Lynne Edmondson	Art Unit 1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 05 October 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-35 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8, 13-26 and 31-36 is/are rejected.
- 7) Claim(s) 9-12 and 27-30 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 October 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 1.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 13, 35 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Burke et al. (USPN 5475198).

Burke teaches a device and computer program for monitoring welding comprising a camera for reproducing the welding area, means for positioning the weld head (col 2 line 62 – col 3 line 27), illuminating means and a band filter (59) (col 4 line 43 – col 5 line 42). See also Burke claims 1-4.

3. Claims 1-8, 13, 17-26 and 31-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaeffer et al. (USPN 6084205).

Schaeffer teaches a device and computer program for monitoring welding comprising a camera for reproducing the welding area, illuminating means and a band filter in the 300 to 550 nm range (col 3 line 42 – col 4 line 27). Welding parameters are controlled (col 2 line 54 – col 3 line 12), including position and geometry of the melt (col 4 line 28 – 63 and col 5 lines 5-13). See also Schaeffer claims 1-4 and 6-10.

4. Claims 1-8, 13-26 and 31-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Duley et al. (USPN 5659479).

Duley teaches a device and computer program (col 3 lines 10-44) for monitoring welding comprising a camera for reproducing the welding area, illuminating means and a band filter in the 300 to 500 nm range (col 2 lines 1-20). The camera comprises an attenuating filter (col 6 lines 44-63). Welding parameters and weldhead (laser) position are controlled (col 6 line 64 – col 7 line 11, col 8 lines 1-27 and col 9 line 55 – col 10 line 9), including position and geometry of the melt (col 4 line 28 – 63 and col 5 lines 5-13). See also Duley claims 1-4, 7, 9 and 12.

### ***Allowable Subject Matter***

5. Claims 9-12 and 27-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bates et al. (USPN 6670574 B1, different filter), Fried et al. (USPN 6221068, FWHM) and Bellows et al. (USPN 5283418).

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne Edmondson whose telephone number is (571) 272-1172. The examiner can normally be reached on Monday through Thursday from 6:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lynne Edmondson  
Primary Examiner  
Art Unit 1725

LRE

LYNNE R. EDMONDSON  
PRIMARY EXAMINER

11/24/04